

1 Robert A. Mittelstaedt (State Bar No. 60359)
2 ramittelstaedt@JonesDay.com
3 Caroline N. Mitchell (State Bar No. 143124)
4 cnmitchell@JonesDay.com
5 JONES DAY
6 555 California Street, 26th Floor
7 San Francisco, CA 94104
8 Telephone: 415.626.3939
9 Facsimile: 415.875.5700

10 Attorneys for Defendant
11 CHEVRON CORPORATION

12
13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 **NATTO IYELA GBARABE, et al.,**

18 **Case No. 14-cv-00173-SI**

19 Plaintiffs,

20 **~~[PROPOSED]~~ ORDER RE: CERTAIN**
DISCOVERY AND CLASS
CERTIFICATION MATTERS AND
CONTINUING THE CASE
MANAGEMENT CONFERENCE TO
JUNE 3, 2016

21 v.

22 **CHEVRON CORPORATION,**

23 **Defendant.**

24 This Court, having considered parties Stipulation Re: Certain Discovery and Class
25 Certification Matters and Continuing the Case Management Conference to June 3, 2016 (Dkt.
26 No.), and finding good cause exists, orders as follows:

27 1. The page limit for Chevron's opposition brief shall be commensurate with plaintiff's
28 motion, i.e., 41 pages. Any other submissions, including Daubert or other motions, shall adhere
to the page limits in the Local Rules. Plaintiff shall adhere to the Local Rules in all future
briefing, absent an agreement and permission of the Court. Chevron reserves all rights to object
or seek other relief for other defects in plaintiff's motion, supporting papers and expert reports;
plaintiff reserves all right to assert the motion, supporting papers and expert reports are Rule 26
compliant.

29 2. By April 30, 2016, plaintiff shall provide additional source materials and cure any

1 defects in their expert reports to ensure that the reports comply with Federal Rule of Civil
2 Procedure 26(a)(2)(B), without changing the substance of those reports. This includes providing
3 to Chevron the complete facts and data considered by plaintiff's experts in forming their opinions.
4 To the extent that Chevron asserts any report fails to comply with Rule 26(a)(2)(B) after April 30,
5 at Chevron's election, Chevron can address any remaining deficiencies in its submission in
6 opposition to the class certification motion. Alternatively, it can initiate a meet-and-confer
7 between the parties and seek to have plaintiff withdraw all or part of a report, with any remaining
8 disputes that the parties cannot resolve referred to the Court for determination.

9 3. The dates for class certification shall be re-set as follows:

10 Class Certification Opposition Brief: August 12, 2016;

11 Class Certification Reply Brief: October 14, 2016; and

12 Hearing: December 2, 2016.

13 4. The parties shall not engage in speaking objections at the depositions and shall limit
14 themselves to succinctly stated objections to the form of the question. This means that the parties
15 shall not make argumentative objections or objections that suggest in any way how the witness
16 should respond or say "If you know" between a question and answer. Nothing in this stipulation
17 prohibits instructions not to answer where permitted by law.

18 5. The parties shall continue to discuss multi-track depositions of percipient witnesses
19 and putative class members in Nigeria and attempt to reach agreement.

20 6. The Case Management Conference scheduled for April 22, 2016 is continued until
21 ²
22 June ~~3~~, 2016.

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24 Dated: April 18, 2016

25
26 NAI-1500565980v1

27
28 
The Honorable Susan Y. Illston